

REMARKS

After entry of the present amendment, claims 1-5, 8-11, 13, and 14 will be pending. Claim 6 has been canceled without prejudice; the rejection of claim 6 under 35 U.S.C. § 112, first paragraph, is considered moot. Claims 8 and 13 have been amended, also without prejudice, to canceled reference to prophylactic treatment and “psychosis” and “body weight disorders.” The Applicants reserve the right to prosecute the canceled subject matter in continuing or divisional applications. No new matter has been added.

Rejections under 35 U.S.C. § 112

Claims 8 and 13 stand rejected under 35 U.S.C. § 112, first paragraph, as allegedly non-enabling for the treatment of psychosis and body weight disorders or for prophylactic treatment. The Office notes that the claims are enabled for the treatment of depression, anxiety, movement disorders, and Parkinson’s disease. While the Applicants assert that the full scope of the claims can be practiced by one skilled in the art without undue experimentation, “psychosis,” “body weight disorders,” and “prophylaxis” have been deleted from the claims in order to advance the case to allowance. Reconsideration and withdrawal of the rejection is requested in light of these amendments.

Claims 8 and 13 stand further rejected under 35 U.S.C. § 112, second paragraph, as allegedly indefinite by recitation of “body weight disorders” and “psychosis.” In light of the above comments and the present amendment canceling these terms, withdrawal of the rejection is requested.

Obviousness-Type Double Patenting Rejection

The claims stand rejected on the ground of nonstatutory obviousness-type double patenting as allegedly unpatentable over claims 1, 3-7, 9-12, and 14 of U.S. 7,169,786 and claims 1, 2, 4-6, 9-10, 12, and 14 of U.S. 7,265,103. While the Applicants do not necessarily agree, the requested terminal disclaimers are submitted herewith in order to obviate the rejection and advance the case to allowance. The rejection is considered moot.

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PATENT

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The Applicants assert that the foregoing constitutes a full and complete response to the March 19, 2008 Office Action and that the claims are in condition for allowance. A Notice of Allowance to that effect is, therefore, earnestly solicited.

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